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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2016-2017: Liquidation

Report of the Secretary-General

Summary

The present report contains the resource requirements for the five-month period from 1 January to 31 May 2016 for the liquidation of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The resources for the period amount to $2,376,900 net ($2,503,800 gross) before recosting.

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I. Overview

1. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 was established by the Security Council in its resolution 955 (1994) of 8 November 1994. In its resolution 1329 (2000), the Security Council expressed its continuing conviction that, in the particular circumstances of Rwanda, the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributed to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and in the region.

2. After almost 10 years of existence of the Tribunal, the Security Council, in its resolutions 1503 (2003) and 1534 (2004), called upon the Tribunal to take all possible measures to complete all investigations by the end of 2004, all trial activities at first instance by the end of 2008 and all of its work in 2010 (the completion strategy). In its resolution 1966 (2010), the Council established the International Residual Mechanism for Criminal Tribunals with two branches. The Arusha Branch commenced operations in 1 July 2012 and The Hague Branch on 1 July 2013. In the same resolution, the Council requested the Tribunal to take all possible measures to complete its work by 31 December 2014.

3. The International Criminal Tribunal for Rwanda has completed all trials in the first instance and has one remaining appeal case, the *Nyiramasuhuko et al.* (Butare) case involving six accused persons. The oral hearings in that case were initially projected to take place in December 2014 but were postponed and eventually held in mid-April 2015. When the proposed budget for 2014-2015 was prepared, indications were that the *Nyiramasuhuko et al.* (Butare) appeal judgement would be delivered around August 2015 and that the Tribunal would then close on 30 September 2015 and commence the liquidation exercise in October 2015. However, the current judicial projections indicate that the appeal judgement in the *Nyiramasuhuko et al.* (Butare) case will be delivered in December 2015. Staff members working on the case will be separated by the end of December 2015. Consequently, the full liquidation process of the Tribunal's operations is anticipated to commence in January 2016.

4. Starting in 2013, the Tribunal has been liquidating assets that are no longer needed either by transferring them to the Residual Mechanism or by disposing of them through sale or donation to local institutions. This is continuing through the biennium 2014-2015. In addition, functions of the Tribunal for Rwanda have been progressively transferred to the Mechanism in accordance with the Tribunal's completion strategy and Security Council resolution 1966 (2010). However, owing to the delay in the delivery of the judgement in the *Nyiramasuhuko et al.* case, it is foreseen that a major part of the liquidation workload will be undertaken in the first few months of 2016. The present submission therefore takes into account the ongoing liquidation work and seeks resources to cover work that is anticipated to be completed in 2016.

5. As the Tribunal continues with its liquidation process, it continues to identify and assess the potential risks associated with, for example, the appellate judgement

in the *Nyiramasuhuko et al.* case being delivered in December 2015. Should the judicial calendar slip any further, it will have an impact on the completion date of the Tribunal's mandate and, potentially, of its liquidation.

II. Programme of work

6. The workload anticipated during the liquidation phase includes the disposal of assets, repatriation of staff members and their families, processing of their final entitlements, settlement of liabilities and recovery of receivables, preparation of the final budget performance report, provision of support to the audit of the Tribunal's operations for the biennium 2014-2015, dismantling of the temporary structures, repair and handover of the rented premises to the Arusha International Conference Centre, and finalization of the Tribunal's cases pending at the Management Evaluation Unit or the United Nations Dispute Tribunal. Furthermore, during the liquidation period, it is imperative to ensure that the security of the United Nations assets is guaranteed until they are either transferred to the Residual Mechanism or disposed of in another manner. In that respect, the Tribunal will work closely with the Mechanism to ensure that assets are secured during the liquidation.

III. Budgetary assumptions

7. The proposed liquidation budget for the International Criminal Tribunal for Rwanda has been prepared following in-depth consultations with officials of the International Tribunal for the Former Yugoslavia and the Residual Mechanism in order to harmonize resource requirements.

8. The proposed liquidation team will be headed by the current Head of Administration of the Tribunal, who will take the role of Liquidation Coordinator. The proposed staffing levels are based on the anticipated workload and are grouped in liquidation clusters that cover the core liquidation functions, namely, general services and assets management, human resources, budget and finance, and information technology. The proposed staffing levels will reduce progressively, with the peak of the liquidation process being anticipated within the first three months. The remaining liquidation is projected to be completed by the end of May 2016.

9. Security and health-care services for the Tribunal during the liquidation period will be provided by the Residual Mechanism. General cleaning services and general premises maintenance of the space occupied by the liquidation team will be provided by the Mechanism on a reimbursable basis, based on the assumption that the liquidation team will be co-located with the Residual Mechanism.

10. In view of the imminent closure of the Tribunal, the implementation of Umoja will be limited to processing of the payroll and entitlements of the internationally recruited staff members. The Tribunal will therefore retain all current legacy systems to support operation during the liquidation.

11. From January to March 2016, the liquidation team will be accommodated in the current premises; the cost of the rent is included in the current submission. When the Residual Mechanism moves to its new premises, the remaining members of the liquidation team will be accommodated in the new premises of the Mechanism until the end of May 2016.

12. There will be no procurement of equipment and furniture except where it can be demonstrated that the liquidation process will not be effectively completed by the use of the current assets. Supplies will be kept minimal and will be for the use of the liquidation process only.

13. Only assets that cannot be disposed of before the end of 2015 owing to their continued usage have been included as part of the liquidation workload. Such assets will be progressively disposed of during 2016 as liquidation team members continue to be separated.

IV. Resource requirements

14. The overall resources for the period from 1 January to 31 May 2016 for the liquidation of the International Criminal Tribunal for Rwanda amount to $2,376,900 net ($2,503,800 gross) before recosting.

15. The recosting of the proposed budgetary provisions contained in the present report is in line with the standard regular budget recosting methodology adjusted for a limited period of five months.

16. In January 2016, it is proposed to create 43 positions funded from general temporary assistance. This will include 12 Professionals and 31 support staff. The number of positions will be reduced to 29 for the month of April 2016 and to 17 for the month of May. In total, 175 work-months would be required to complete the liquidation of the Tribunal.

Table 1
Requirements by component
(Thousands of United States dollars)

Component	*2016-2017 estimates before recosting*	*Recosting*	*2016-2017 estimates*
A. Office of the Liquidation Coordinator	296.5	14.4	310.9
B. General services and assets management cluster	910.6	46.7	957.3
C. Human resources cluster	376.9	15.8	392.7
D. Budget and finance cluster	382.9	19.7	402.6
E. Information technology cluster	536.9	27.8	564.7
Total (gross)	**2 503.8**	**124.4**	**2 628.2**
Income from staff assessment	126.9	6.2	133.1
Total (net)	**2 376.9**	**118.2**	**2 495.1**

Table 2
General temporary assistance positions

Category	*1 January to 31 March 2016*	*1 to 30 April 2016*	*1 to 31 May 2016*
Professional and higher			
D-1	1	1	1
P-5	1	–	–
P-4/3	9	8	3
P-2/1	1	1	1
Subtotal	**12**	**10**	**5**
General Service and related			
Other level	15	10	5
Subtotal	**15**	**10**	**5**
Other			
Local level	16	9	7
Subtotal	**16**	**9**	**7**
Total	**43**	**29**	**17**

A. Office of the Liquidation Coordinator

17. The Office of the Liquidation Coordinator will be responsible for the overall coordination of liquidation and administrative activities and oversee the work of all the liquidation clusters. It will be the focal point for activities relating to the Office of Internal Oversight Services, the Board of Auditors, the Management Evaluation Unit and the United Nations Dispute Tribunal. The Office will also be responsible for implementing administrative procedures and guidelines and ensuring strict compliance with the rules and regulations of the United Nations in relation to liquidation activities. The Office of the Liquidation Coordinator will handle any legal issues that might arise during liquidation and will also be responsible for preparing the final liquidation report, which will form part of the Tribunal's legacy.

Table 3
Resource requirements
(Thousands of United States dollars)

Object of expenditure	*2016-2017 estimates before recosting*	*Recosting*	*2016-2017 estimates*
Other staff costs	247.4	12.8	260.2
Other non-post requirements	28.3	0.5	28.8
Staff assessment	20.8	1.1	21.9
Total (gross)	**296.5**	**14.4**	**310.9**
Income from staff assessment	20.8	1.1	21.9
Total (net)	**275.7**	**13.3**	**289.0**

Table 4
General temporary assistance positions

Category	*1 January to 31 March 2016*	*1 to 30 April 2016*	*1 to 31 May 2016*
Professional and higher			
D-1	1	1	1
P-4/3	1	1	1
Subtotal	**2**	**2**	**2**
General Service and related			
Other level	1	1	1
Subtotal	**1**	**1**	**1**
Total	**3**	**3**	**3**

18. Requirements for a total of 15 work-months in the Office of the Liquidation Coordinator would amount to $247,400. The Office will comprise three positions (one D-1, one P-4 and one General Service (Other level)) for five months. The Liquidation Coordinator (D-1 for five months) will coordinate all the administrative activities of the liquidation team. The Legal and Administrative Officer (P-4 for five months) will be responsible for providing legal services. The Administrative Assistant (General Service (Other level) for five months) will provide administrative support.

19. Other non-post requirements in the amount of $28,300 would provide for the cost of three trips to New York for seven days each by the Liquidation Coordinator, a staff member of the budget and finance cluster and a staff member of the human resources cluster for consultations on issues relating to the liquidation.

B. General services and assets management cluster

20. The general services and assets management cluster will be responsible for the disposal of all remaining assets, the dismantling of temporary structures, the return of leased office spaces to the landlord, clearing all outstanding matters relating to the repatriation of judges and staff members and their dependants, and organizing the shipment of their personal effects.

21. The main functions to be carried out during the liquidation phase are as follows:

(a) Physical verification of all existing assets;

(b) Property disposal (expendable and non-expendable), which will involve the transportation of assets to be liquidated, the relocation of furniture from vacant offices, the collection of other assets and the write-off and disposal of all assets by way of commercial sale, donation, transfer or destruction, and the disposal and destruction of the diplomatic plates;

(c) Processing of outstanding claims, which will include clearing all the pending claims with the Ministry of Foreign Affairs and the Tanzania Revenue Authority;

(d) Review and liquidation of outstanding travel obligations, follow-up with the travel agents on the refund of claims, and follow-up with the budget and finance cluster on the outstanding payments to the travel agents for air tickets issued;

(e) Update of the database of diplomatic plates after the check-out of staff members;

(f) Assistance to separating judges and staff members on how to obtain certificates from the International Criminal Police Organization (INTERPOL) to enable them to ship their personal motor vehicles back to their home country;

(g) Clearance with the budget and finance cluster of outstanding payments obligated with regard to the shipment of staff members' personal effects and to entitlement travel;

(h) Dismantling of remaining facilities (containers) and write-off and disposal of recovered assets;

(i) Handover of the Tribunal's permanent facilities to the Government of the United Republic of Tanzania;

(j) Decommissioning of the main generators and main power stabilizer and handover to the Residual Mechanism.

22. Based on the Tribunal's disposal plan, it is estimated that 511 non-expendable items (valued at $4,102,700), 388 expendable items (valued at $320,500) and 11,391 consumables, supplies and spare parts (valued at $610,900) will have to be disposed of in 2016. The items to be disposed of in 2016 are mainly infrastructure items, other assets that would still be in use in December 2015 and furniture in use by staff, which can be disposed of only after the departure of the staff.

Table 5
Resource requirements
(Thousands of United States dollars)

Object of expenditure	*2016-2017 estimates before recosting*	*Recosting*	*2016-2017 estimates*
Other staff costs	581.9	29.9	611.8
Other non-post requirements	291.9	14.9	306.8
Staff assessment	36.8	1.9	38.7
Total (gross)	**910.6**	**46.7**	**957.3**
Income from staff assessment	36.8	1.9	38.7
Total (net)	**873.8**	**44.8**	**918.6**

Table 6
General temporary assistance positions

Category	*1 January to 31 March 2016*	*1 to 30 April 2016*	*1 to 31 May 2016*
Professional and higher			
P-5	1	–	–
P-4/3	2	1	–
Subtotal	**3**	**1**	**–**
General Service and related			
Other level	7	2	–
Subtotal	**7**	**2**	**–**
Other			
Local level	9	3	3
Subtotal	**9**	**3**	**3**
Total	**19**	**6**	**3**

23. Requirements for a total of 66 work-months in the general services and assets management cluster would amount to $581,900. The cluster will comprise 19 positions (1 P-5, 1 P-4, 1 P-3, 7 General Service (Other level) and 9 Local level) for the first three months. This number will be reduced to six positions (one P-4, two General Service (Other level) and three Local level) as of 1 April 2016 and to three positions (Local level) as of 1 May 2016. The Cluster Coordinator (P-5 for three months) will coordinate all the activities of the cluster. The Building Management Services Officer (P-4 for four months) will supervise the engineering and civil works, including the dismantling of all equipment and the refurbishment of the previously occupied spaces. The Assets Management Officer (P-3 for three months) will be responsible for the disposal of assets. The cluster will also comprise an Inventory and Supply Assistant (General Service (Other level)) for three months), two Assets Management Assistants (General Service (Other level) for three months), an Assets Assistant (Local level for three months), a Property Control and Inventory Assistant (General Service (Other level) for four months), three Inventory Clerks (Local level for three months), a Claims Supervisor (General Service (Other level) for three months), a Claims Assistant (General Service (Other level) for four months), two Claims Clerks (one Local level for three months and one Local level for five months), a Procurement Assistant (General Service (Other level) for three months), a Travel Assistant (Local level for five months), a Logistics Clerk (Local level for five months) and an Electrician (Local level for three months).

24. Non-post requirements in the amount of $291,900 would provide for the rental of premises, the alteration of premises, utilities and maintenance services, the rental of office equipment, external printing, supplies, fuel and vehicle maintenance.

C. Human resources cluster

25. The human resources cluster will address human resources matters in the following areas:

(a) Staff administration: The cluster will be responsible for the administration of benefits, allowances and entitlements (in particular, separation benefits and entitlements) for staff members, judges and their eligible dependants within the framework of the delegation of authority and the framework of the exceptional measures granted to the Tribunal. The cluster will process separation documents, including separation personnel actions, pension documents, after-service health insurance forms, separation checklists, education grant claims and settlements, attendance record cards, completed F-10 claim forms as proof of travel, and repatriation grant letters as proof of repatriation. The cluster will also facilitate the return of United Nations laissez-passer to Headquarters for cancellation, respond to follow-up queries from staff on the payment of final pay and entitlements, review the staff official status files and confirm that all outstanding proof of travel documents have been submitted;

(b) Welfare and staff counselling: The cluster will continue to provide personal counselling sessions and career counselling to the departing staff and the remaining members of the liquidation team, especially in relation to stress and other issues that could be generated by the closure of the Tribunal;

(c) Official status files and other human resources records: The cluster will maintain administrative records of staff to enable the finalization of their entitlements. It will also assist in preparing those files for transfer to the Residual Mechanism. During the first quarter of 2016, the following files will be transferred to the Residual Mechanism: files of judges separated in the last quarter of 2015, all recruitment case files, education grant files for staff separating in 2015, 2015 attendance records, official status files of staff separating in the last quarter of 2015, and consultant files. During the first and second quarters of 2016, the management of medical insurance plan uploads will be transferred to the Residual Mechanism, in addition to all other remaining human resources records.

Table 7
Resource requirements
(Thousands of United States dollars)

Object of expenditure	*2016-2017 estimates before recosting*	*Recosting*	*2016-2017 estimates*
Other staff costs	346.4	14.7	361.1
Other non-post requirements	–	–	–
Staff assessment	30.5	1.1	31.6
Total (gross)	**376.9**	**15.8**	**392.7**
Income from staff assessment	30.5	1.1	31.6
Total (net)	**346.4**	**14.7**	**361.1**

Table 8
General temporary assistance positions

Category	*1 January to 31 March 2016*	*1 to 30 April 2016*	*1 to 31 May 2016*
Professional and higher			
P-4/3	3	3	–
Subtotal	**3**	**3**	**–**
General Service and related			
Other level	3	3	2
Subtotal	**3**	**3**	**2**
Other			
Local level	1	1	1
Subtotal	**1**	**1**	**1**
Total	**7**	**7**	**3**

26. Requirements for a total of 31 work-months in the human resources cluster would amount to $346,400. The cluster will comprise seven positions (one P-4, two P-3, three General Service (Other level) and one Local level) for the first four months. This number will be reduced to three positions (two General Service (Other level) and one Local level) as of 1 May 2016. The cluster will have to retain adequate human resources personnel to carry out certification and approval functions relating to the entitlements of separating staff members. The Human Resources Officer (P-4 for four months) will coordinate all human resources matters during the liquidation. The Human Resources Officer (P-3 for four months) will certify all entitlements and sign separation documents to enable payments to departing staff members. The Human Resources Officer based in New York (P-3 for four months) will handle all personnel action forms and follow up on the payment of final entitlements. The cluster will also comprise two Human Resources Assistants (one General Service (Other level) for five months and one General Service (Other level) for four months), a Human Resources Assistant based in New York (General Service (Other level) for five months), and a Human Resources Assistant (Local level for five months).

D. Budget and finance cluster

27. During the liquidation phase, the budget and finance cluster will undertake the following functions:

(a) Processing accounts receivable: Preparation of documentation on outstanding receivables, which includes correspondence on action for recovery taken to date and projected date of recovery, documenting outstanding value added tax reclaims not yet refunded by the Rwanda and Tanzania Revenue Authorities with justification for retention, justifying outstanding receivables from the Tanzania Revenue Authority with respect to the telecommunications levies, reconciliation of

the remittance account with Headquarters, recovery of vendors' deposits and processing of the write-off of non-collectable items;

(b) Processing accounts payable: Disbursement or offsetting against outstanding receivable amounts, establishment of payables for disbursement for outstanding salaries and final entitlements not yet processed, for education grant claims not yet received and for unpaid judges' pensions and other entitlements;

(c) Preparing and paying salaries for local staff and the local portions of salaries for international staff;

(d) Processing payments relating to travel and education grants and advances;

(e) Reviewing and liquidating obligations;

(f) Ensuring that remaining petty cash funds are returned and final claims settled;

(g) Ensuring that assets are appropriately reflected in the accounts before their transfer, disposal or destruction and coordinating with the assets management team to ensure that amounts received from the disposal of assets are properly reflected in the accounts;

(h) Preparing bank reconciliations;

(i) Managing the budget and preparing the final budget performance report;

(j) Facilitating external and internal audits;

(k) Preparing the final International Public Sector Accounting Standards (IPSAS)-compliant accounts.

Table 9
Resource requirements
(Thousands of United States dollars)

Object of expenditure	*2016-2017 estimates before recosting*	*Recosting*	*2016-2017 estimates*
Other staff costs	265.7	13.7	279.4
Other non-post requirements	100.0	5.1	105.1
Staff assessment	17.2	0.9	18.1
Total (gross)	**382.9**	**19.7**	**402.6**
Income from staff assessment	17.2	0.9	18.1
Total (net)	**365.7**	**18.8**	**384.5**

Table 10
General temporary assistance positions

Category	*1 January to 31 March 2016*	*1 to 30 April 2016*	*1 to 31 May 2016*
Professional and higher			
P-4/3	2	2	2
Subtotal	**2**	**2**	**2**
General Service and related			
Other level	1	1	1
Subtotal	**1**	**1**	**1**
Other			
Local level	3	2	2
Subtotal	**3**	**2**	**2**
Total	**6**	**5**	**5**

28. Requirements for a total of 28 work-months in the budget and finance cluster would amount to $265,700. The cluster will comprise six positions (one P-4, one P-3, one General Service (Other level) and three Local level) for the first three months. This number will be reduced to five positions (one P-4, one P-3, one General Service (Other level) and two Local level) as of 1 April 2016. The Budget and Finance Officer (P-4 for five months) will be in charge of the overall coordination of the liquidation activities of the cluster. The Finance Officer (P-3 for five months) will be in charge of all accounts and financial transactions, including the closure of the accounts for 2014-2015. The cluster will also comprise a Budget Assistant (General Service (Other level) for five months), a Finance Clerk (Local level for three months) and two Finance Assistants (Local level for five months).

29. Non-post requirements in the amount of $100,000 would provide for external audit fees.

E. Information technology cluster

30. During the liquidation phase, the information technology cluster will provide support on business process systems, maintenance of the locally developed lotus applications, Internet, servers, very small aperture terminal (VSAT) and radio communication services and perform the following duties:

(a) Decommissioning and dismantling of the Tribunal's back office equipment, including data backup, preservation, archival, transfer, storage and disposal as necessary. This includes three EMC and Hewlett Packard storage area network systems. Over 100 terabytes of data will be backed up on tapes and transferred to the Residual Mechanism. Two data centres containing over 100 physical servers, multiple virtual servers, eight tape libraries, two core backbone switches and edge routers, monitoring equipment and dozens of floor switches, and modem routers will be shut down and cleaned out for security;

(b) Dismantling of radio communication towers, VSAT earth station equipment and all associated electronics;

(c) Dismantling, removal and relocation of VSAT dishes, very high frequency (VHF) radio, rural telephony systems and other associated telecommunications equipment;

(d) Dismantling of cabling and networks: A total of 8 to 12 kilometres of cable (fibre optics and copper) carrying data and voice communication across the Arusha International Conference Centre campus to be dismantled, disconnected and retrieved for disposal or transfer;

(e) Preparation of an estimated 300 personal computing equipment and associated peripherals for disposal, including the removal of internal hard disks.

Table 11
Resource requirements
(Thousands of United States dollars)

Object of expenditure	*2016-2017 estimates before recosting*	*Recosting*	*2016-2017 estimates*
Other staff costs	330.8	17.0	347.8
Other non-post requirements	184.5	9.6	194.1
Staff assessment	21.6	1.2	22.8
Total (gross)	**536.9**	**27.8**	**564.7**
Income from staff assessment	21.6	1.2	22.8
Total (net)	**515.3**	**26.6**	**541.9**

Table 12
General temporary assistance positions

Category	*1 January to 31 March 2016*	*1 to 30 April 2016*	*1 to 31 May 2016*
Professional and higher			
P-4/3	1	1	–
P-2/1	1	1	1
Subtotal	**2**	**2**	**1**
General Service and related			
Other level	3	3	1
Subtotal	**3**	**3**	**1**
Other			
Local level	3	3	1
Subtotal	**3**	**3**	**1**
Total	**8**	**8**	**3**

31. Requirements for a total of 35 work-months in the information technology cluster would amount to $330,800. The cluster will comprise eight positions (one P-4, one P-2, three General Service (Other level) and three Local level) for the first four months. This number will be reduced to three positions (one P-2, one General Service (Other level) and one Local level) as of 1 May 2016. The information technology cluster Coordinator (P-4 for four months) will provide overall supervision and coordination of the activities relating to information technology systems. The Associate Information Network Officer (P-2 for five months) will provide security management of information technology infrastructures. The cluster will also comprise a Telecommunications Technician (General Service (Other level) for four months), a Management Information Systems/Electronic Data Processing Assistant (General Service (Other level) for four months), an Information Systems Assistant (General Service (Other level) for five months), a Computer Systems Clerk (Local level for five months), a Telecommunications Technician (Local level for four months) and a Billing Clerk (Local level for four months).

32. Non-post requirements in the amount of $184,500 would provide for commercial communications, Internet services, software licences and electronic data processing and communications supplies.